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 and Doug Christopher

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

RUSSELL HINTON CO., a California  
 Corporation

Plaintiff & Counter-Defendant,

v.

DISTRICT COUNCIL 16 OF THE  
 INTERNATIONAL UNION OF PAINTERS  
 AND ALLIED TRADES AND DOUG  
 CHRISTOPHER,

Defendants & Counter-Claimants.

Case No. 3:11-CV-01627-SI

**STIPULATION AND [PROPOSED]  
 ORDER (I) VACATING RULE 26(F)  
 DISCLOSURE DEADLINES AND  
 INITIAL CASE MANAGEMENT  
 CONFERENCE PENDING BINDING  
 ARBITRATION AND (II) SETTING  
 STATUS CONFERENCE**

District Judge Susan Illston

Complaint Filed: April 4, 2011

The parties, by and through their undersigned attorneys of record, hereby stipulate and agree and respectfully request that the Court vacate (i) the Initial Case Management Conference currently scheduled for September 2, 2011, together with pre-conference filing requirement deadlines; (ii) the Rule 26(f) Report filing deadline currently set for August 18, 2011; and (iii) the Rule 26 Initial Disclosure exchange deadline also set for August 18, 2011, pending the parties

1 participation in and completion of binding arbitration, which has been selected by the parties and  
2 to which this case was referred pursuant to this Court's Order of August 9, 2011 (Docket No. 23).

3 This application is requested on the grounds that the parties have agreed to and the Court  
4 has approved by Order the referral of this case to binding arbitration in accordance with the  
5 provisions of the operative Collective Bargaining Agreement to which the parties are signatories.  
6 That Collective Bargaining Agreement provides for binding arbitration before an arbitrator  
7 selected by the parties or by the California State Mediation and Conciliation Service. Pursuant to  
8 this Court's Order Referring this Case to Private ADR, which was entered on August 9, 2011, the  
9 deadline for completion of the binding arbitration is December 5, 2011. The parties expect that  
10 the matter will either be dismissed in accordance with the arbitration award or application will be  
11 made for judgment confirming the arbitration award following the ADR procedure. As a result,  
12 neither Rule 26 disclosures, a report thereon, nor a Case Management Conference and pre-trial  
13 scheduling order are necessary.

14 The parties expect the arbitration will fully resolve this controversy and will therefore  
15 moot the need for trial before this Court and all attendant pre-trial dates and procedures.

16 Accordingly, the parties respectfully request that the Court vacate the filing deadlines set  
17 forth above together with the Initial Case Management Conference and set a post-arbitration  
18 status conference at the Court's convenience some time after December 5, 2011.

19  
20 Respectfully Submitted,

21 LAW OFFICES OF A. PETER RAUSCH, JR.

22 Dated: August 16, 2011


23 By: /s/ A. Peter Rausch, Jr.  
24 A. PETER RAUSCH, JR.

25 Attorneys for Plaintiff and Counter-Defendant,  
26 Russell Hinton Co., a California corporation

27 **Signed Electronically for eFiling**  
28

WEINBERG, ROGER & ROSENFELD

Dated: 8/16/11

By:  for  
DAVID A. ROSENFELD  
Attorneys for Defendants & Counter-Claimants,  
District Council 16 of the International Union of  
Painters and Allied Trades; and Doug  
Christopher

**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, and good cause appearing, IT IS SO ORDERED.

The parties' Rule 26 Disclosure and reporting deadlines are hereby vacated. The Court's Initial Case Management Conference scheduled for September 2, 2011 and all related pre-hearing filing requirements are hereby vacated. This matter is set for a Status Conference on Dec. 9, 2011 at 2:30 a.m./p.m. The parties are directed to file a Joint Status Conference Report no later than \_\_\_\_\_ days prior to the Status Conference.

Dated: 8/19/11

  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I undersigned hereby certify that on August 16, 2011, I electronically filed the foregoing with the Clerk of Court for the United States District Court, Northern District of California by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ A. Peter Rausch, Jr.  
A. PETER RAUSCH, JR.

LAW OFFICES OF A. PETER RAUSCH, JR.  
Attorneys for Plaintiff and Counter-Defendant,  
Russell Hinton Co., a California corporation

**Signed Electronically for eFiling**